

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

JOSEPH SCLAFANI, MICHAEL FEINSTEIN,
and BRET CAPPOLA,

Plaintiffs,

CAROL A. MICI, in her official capacity as
Commissioner of the Massachusetts Department
of Correction, DOUGLAS DEMOURA, in his
official capacity as Superintendent of MCI-Cedar
Junction, and STEVE SILVA, in his official
capacity as Superintendent of MCI-Norfolk,

Defendants.

C.A. No. 19-12550

JOINT STATUS REPORT

On December 19, 2019, Plaintiffs Bret Cappola, Michael Feinstein, and Joseph Sclafani initiated this action against defendant Carol A. Mici, Commissioner of the Massachusetts Department of Correction, defendant Douglas DeMoura, Superintendent of MCI-Cedar Junction, and defendant Steve Silva, in his official capacity as Superintendent of MCI-Norfolk. ECF No. 1. Plaintiffs alleged violations of the Eighth Amendment and the Americans with Disabilities Act, and sought declaratory and injunctive relief. *Id.* at 6–10, 13. That same day, Plaintiffs also filed a motion for a temporary restraining order and a preliminary injunction. ECF No. 9.

After an emergency hearing on December 23, 2019 the parties entered into discussions to determine whether the matter could be resolved without further court involvement. On January 10, 2020, the parties filed a stipulation and joint request to stay the preliminary injunction proceedings, and offered to provide the Court with a joint status update on February 14, 2020.

ECF No. 47. The Court subsequently canceled the hearing on the motion for injunctive relief, and ordered the parties to file a joint status report by February 14, 2020. ECF No. 48.

In the intervening weeks, the parties have had productive conversations. The parties are still negotiating an agreement in an attempt to resolve the case in its entirety. The parties agree that the terms of the joint stipulation (ECF No. 47) will still control as they continue to work to reach an agreement to resolve the case. The parties respectfully request that the Court set a deadline for a further joint status report on February 21, 2020.

Dated: February 14, 2020

Respectfully submitted,

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